

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TIMOTHY HARNETT, a/k/a
Shaiabdullah Muhammad,

Plaintiff,

v.

9:07-CV-1232 (LEK/DRH)

DANIEL A. SENKOWSKI, Superintendent,
Clinton Correctional Facility, LAWRENCE
SEARS, Deputy Superintendent, Clinton
Correctional Facility, GLENN S. GOORD,
Commissioner of DOCS, CASINE,
Correctional Officer, Clinton Correctional
Facility, DALE ARTUS, Superintendent,
Clinton Correctional Facility, PAUL M.
KNAPP, Deputy Superintendent, Clinton
Correctional Facility; J. BELL, Captain,
Clinton Correctional Facility, D. LaCLAIR,
Grievance Sergeant, Clinton Correctional
Facility, THOMAS G. EAGEN, Grievance
Director, TARA BROUSSEAU, Grievance
Supervisor, Clinton Correctional Facility,
EDWARD J. McSWEENEY, Assistant
Commissioner of DOCS, J. TEDFORD,
Deputy Superintendent, Clinton Correctional
Facility, JOHN DOE, #1-11, Correctional
Officers, Clinton Correctional Facility, and
KAREN BELLAMY, Assistant Commissioner
of DOCS,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on May 27, 2009, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 49).

Within ten days, excluding weekends and holidays, after a party has been served with a copy

of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Homer's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 49) is **APPROVED** and
ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that Defendants' Motion to dismiss (Dkt. No. 47) is **GRANTED**; and it is further

ORDERED, that Plaintiff's *in forma pauperis* status is **REVOKE**D; and it is further

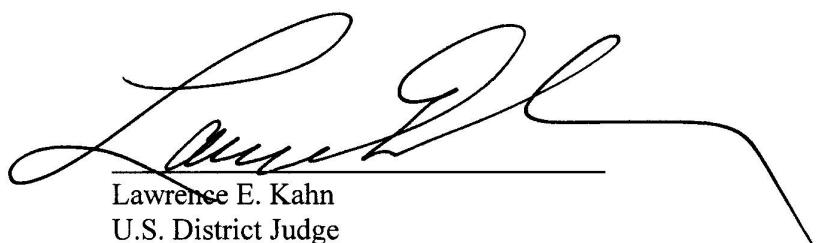
ORDERED, that this action is **DISMISSED** as to all claims and all Defendants unless Plaintiff pays the filing fee of \$350.00 within **thirty (30) days** of the entry of this Order; and it is further

ORDERED, that Defendants' Motion for sanctions and dismissal (Dkt. No. 43) is **DENIED** without prejudice subject to renewal if the above-captioned action is not dismissed under 28 U.S.C. § 1915(g); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: June 16, 2009
Albany, New York



Lawrence E. Kahn
U.S. District Judge